

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

NATHAN MAXWELL BENFORD,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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Nos. 1:04-cv-120 / 1:98-cr-77-02
Edgar / Lee

JUDGMENT

In accordance with the accompanying memorandum opinion and order filed herewith, it is **ORDERED and ADJUDGED** that the motion by Nathan Maxwell Benford for post-conviction relief pursuant to 28 U.S.C. § 2255 is **DENIED and DISMISSED WITH PREJUDICE**. Pursuant to 28 U.S.C. § 1915(a)(3) and Rule 24(a), the Court **CERTIFIES** that any appeal of this judgment would be completely frivolous and not taken in good faith. Any application by Nathan Maxwell Benford for leave to proceed *in forma pauperis* on appeal is **DENIED**. Should Nathan Maxwell Benford timely file a notice of appeal, said notice of appeal will be treated as an application for a certificate of appealability which is **DENIED** pursuant to 28 U.S.C. § 2253(c) and Fed. R. App. P. 22(b)(1) because he has not made a substantial showing of the denial or deprivation of a constitutional right.

This is a **FINAL JUDGMENT**.

ENTER this *8th day of March, 2006*.

/s/ R. Allan Edgar

R. ALLAN EDGAR

UNITED STATES DISTRICT JUDGE